

STATE OF INDIANA) IN THE CLINTON SUPERIOR/CIRCUIT COURTS
)
) SS:
COUNTY OF CLINTON) CAUSE NO. 12D01-0412-MI- 12
 12C01-0412-MI-

*IN RE THE MATTER OF
GENERAL ORDERS
(RENUMBERING LOCAL RULES)*


GENERAL ORDER

In compliance with the new uniform numbering requirements of T.R. 81, Clinton Superior Court and Clinton Circuit Court renumber their unified Local Rules as follows:


Local Rule 1 shall henceforth be known as LR12-CR2.2-CR1;
Local Rule 2 shall henceforth be known as LR12-CR2.2-CR2;
Local Rule 3 shall henceforth be known as LR12-TR79-CIV3;
Local Rule 4 shall henceforth be known as LR12-CR2.2-CR4; and
Local Rule 3 (sic 5) shall henceforth be known as LR12-AR15-AR5

A copy of this renumbering, along with a copy of the Local Rules shall be published in the Order Book of each court.

So ordered this 29th day of December, 2004.


JUDGE KATHY R. SMITH
CLINTON SUPERIOR COURT

2004.


JUDGE LINLEY E. PEARSON
CLINTON CIRCUIT COURT

LR12 - CR 2.2 CR1
~~LOCAL RULE #~~
FILING CRIMINAL CASES

As required by Criminal Rule 2.2, and subject to approval by the Indiana Supreme Court, Clinton Circuit Court and Clinton Superior Court adopt the following Local Rule by which Felony and Misdemeanor cases are assigned to each Court:

Other than as excepted below, all criminal cases involving felonies or murder shall be assigned to a court on a monthly rotating basis according to the MONTH in which the felony occurred. If the crime occurred in an even month (Feb., April, June, etc.), the matter shall be assigned to Superior Court. If the crime occurred in an odd month (Jan., March, May, etc.), the matter shall be assigned to Circuit Court.

Exceptions:

1. All cases involving Title 9 (Traffic) shall be assigned to Superior Court.
2. All cases of Theft/Receiving Stolen Property or Auto Theft shall be assigned to Circuit Court.
3. All cases related to Child Molestation, Deviate Conduct or Sexual Battery shall be assigned to Circuit Court.

Where multiple offenses are filed, the date of the earliest offense shall control the court assignment.

Where multiple offenses are filed, the most serious offense shall control the court assignment.

Should the month of the offense be unknown, case shall be assigned according to year of offense, even-numbered to Superior and odd-numbered to Circuit.

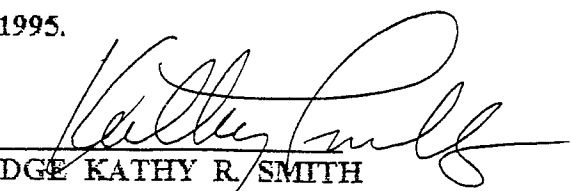
A judge of either Court may transfer and reassign to the other Court any pending case, subject to the acceptance by the receiving Court.

In the event additional related charges are filed against a defendant after a Court has been assigned, such additional charges shall be filed in the same Court.

Superior Court shall be assigned the first 600 Misdemeanor cases each year. Should more than 600 Misdemeanor cases be filed in any particular year, they shall be assigned to Circuit Court (excepting Traffic).

DATED THIS 27 DAY OF APRIL, 1995.


JUDGE LINLEY E. PEARSON


JUDGE KATHY R. SMITH

LR 12 - CR 2.2 - CR 2

LOCAL RULE # 2

REASSIGNMENT/APPOINTMENT OF SPECIAL JUDGE

As required by Criminal Rules 12 and 13, and subject to approval by the Indiana Supreme Court, Clinton Circuit and Superior Courts adopt the following Local Rule concerning the Reassignment of cases and also the Appointment of Special Judges.

REASSIGNMENT

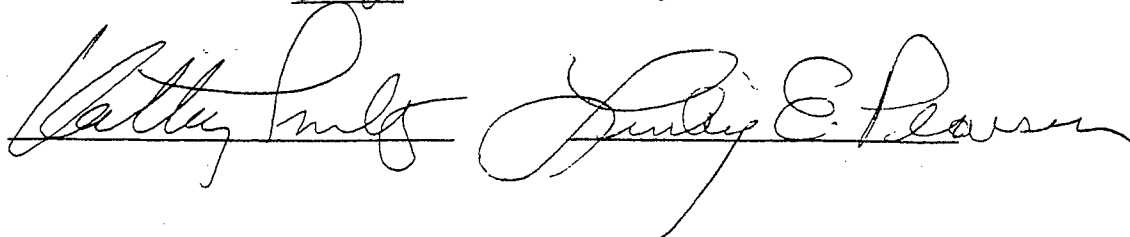
In the event it becomes necessary to reassign a felony or misdemeanor, said cause shall be transferred and heard by the other judge, if available. If other judge is not available for said assignment, cause shall be reassigned to a judge listed in the following Alternative Appointment List. Judges shall be reassigned in consecutive order as needed.

List: Hon. Jeff Smith, Hon. Joe Carey, Hon. James Detamore, Hon. O.A. Kincaid, Hon. Steve David, Hon. Dane Nash, or their successors in the contiguous counties of Carroll, Boone and Tipton.

APPOINTMENT OF SPECIAL JUDGE

In the event no judge is available for assignment or reassignment of a criminal case, such case shall be certified to the Indiana Supreme Court for appointment of a special judge. In the event the presiding judge in a criminal case concludes that the unique circumstances presented in such proceeding require appointment of a special judge, the presiding judge may request that the Indiana Supreme Court make such an appointment.

DATED THIS 28 DAY OF APRIL, 1995.



LR 12 TR 79 CIV 3

LOCAL RULE~~3~~

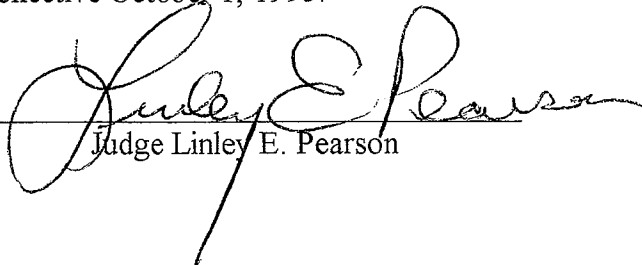
As required by T.R. 79, and as agreed by the judges of the 4th Administrative (Judicial) District, Clinton County adopts the following Local Rule:

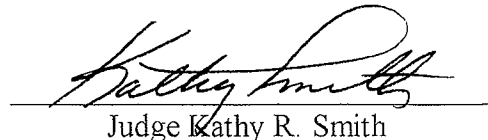
1) Counties of the 4th Administrative District, excluding Tippecanoe County, shall maintain a list in each Court of each judge from his/her county and contiguous 4th District counties. When apointment of a special judge is necessary pursuant to T.R. 79 (H), the Judge shall appoint a judge from his/her list on a rotating basis. The list for each Clinton County Court shall include the other judge and: Judge Thomas Milligan, Montgomery Circuit Court; Judge David Ault, Montgomery Superior Court; Judge Raymond Kirtley, Montgomery County Court; Judge Joe Carey, Carroll Circuit Court; and Judge Jeff Smith, Carroll Superior Court.

2) Juvenile Cases. Each judge of the 4th District who routinely presides over juvenile cases shall maintain a list of each other such judge and, when required pursuant to Trial Rule 79(H) to assign a special judge, shall assign a judge from said list on a rotating basis.

3) If the judge selected by this Rule becomes disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.

Subject to the approval of the Indiana Supreme Court, this Local Rule 3 is ordered effective October 1, 1995.


Judge Linley E. Pearson


Judge Kathy R. Smith

FILED

SEP 02 1999

Ruth E. Hubbard
CLERK OF CLINTON CO.
CIRCUIT COURT

LR12CR2.2CR4

CLINTON COUNTY
LOCAL RULE #4
CASELOAD PARITY

FILED

SEP 02 1999

Ruth E. Hubbard
CLERK OF CLINTON CO.
SUPERIOR COURT

Clinton County's courts, by agreement, permit open filing of civil matters in either court, except that small claims are specifically reserved to Superior Court. Juvenile cases are specifically reserved to Clinton Circuit Court.

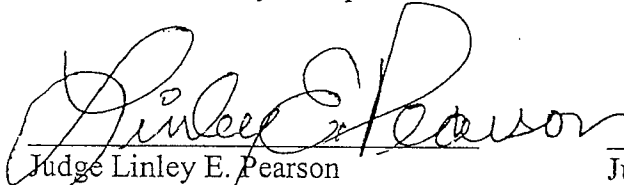
Clinton County Local Rule #1, as required by Criminal Rule 2.2, was adopted by both courts April 28, 1995 and pertain primarily to criminal case assignment.

Pursuant to these agreements, the caseload between courts in Clinton County are substantially even, as reported by the Supreme Court weighted caseload measures. And counsel are well-served by their opportunity to select forum.

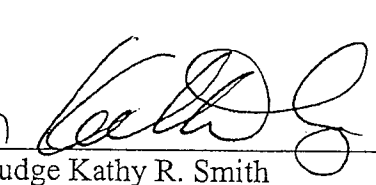
There is no present need to further specify case assignment to achieve parity. Each year, when caseload statistics are published, both courts agree to review statistics and make any changes necessary to maintain substantially similar caseloads.

Courts further agree that cases may be transferred between one another as agreed, and as deemed appropriate and/or necessary.

Dated this 2nd day of September 1999.



Judge Linley E. Pearson



Judge Kathy R. Smith

LOCAL RULE 3(5)

The undersigned courts comprise all of the courts of record of Clinton County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

Section One. Definitions. The following definitions shall apply under this local rule:

- (1) *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Clinton County.
- (11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. Salary does not include transcription fees. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours by monetary pay or compensatory time off. Should court reporters work over 40 hours in one week on regular Court business, they should be paid time and a half or receive one and one-half times overtime worked. The Council has requested a 36 hour work week.

(2) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be as follows:

- a. \$4.00 generally;
- b. \$5.00 for transcription of older cases. Older cases are those in which the hearing was held in excess of 4 years prior to the date the transcription is requested;
- c. \$6.00 for expedited. Expedited transcripts are those which are requested to be completed within 5 days.

(3) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(4) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00.

(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment and work space, and the court agrees to the use of the court equipment for such purpose:

- a. The court reporter shall provide his/her own supplies; and
- b. Pay a reasonable usage fee per each deposition directly to Clinton County Auditor (\$5); and
- c. Court Reporter shall maintain records regarding use.

(2) Work shall be conducted outside of regular working hours if a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript.

Revised and Adopted November 24, 1998.

JUDGE KATHY R. SMITH

JUDGE LINLEY E. PEARSON